

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PYRAMID LAKE PAIUTE TRIBE,

Plaintiff,

v.

DEBRA HAALAND, in her official
capacity as Secretary of the United States
Department of the Interior, and the
UNITED STATES DEPARTMENT OF
THE INTERIOR,

Defendants.

Case No. 3:23-cv-00348-ART-CSD

ORER GRANTING

**JOINT STIPULATED MOTION
TO STAY CASE AND
SUPPORTING MEMORANDUM
OF POINTS AND AUTHORITIES
AND [PROPOSED] ORDER**

Defendants Debra Haaland, in her official capacity as Secretary of the United States Department of the Interior and the United States Department of the Interior (collectively “Defendants”) and Plaintiff Pyramid Lake Paiute Tribe (“Plaintiff” or “Tribe”) hereby stipulate

1 and jointly move the Court to stay this case and all case deadlines for a period of six months. As
2 grounds for this motion, the parties state as follows:

3 1. Plaintiff asserts Administrative Procedure Act, breach of trust, and mandamus
4 claims against Defendants for their alleged failure to manage certain water no longer used for
5 irrigation of lands at the Naval Air Station in Fallon, Nevada (“Navy Water”) primarily for the
6 purposes of conservation and recovery of endangered cui-ui and threatened Lahontan cutthroat
7 trout in Pyramid Lake within the Tribe's reservation, as purportedly required by the 1990
8 Truckee-Carson-Pyramid Lake Water Settlement Act, Title II of Pub. Law 101-618 (1990).

9 2. Defendants’ answer deadline is currently September 15, 2023.

10 3. Defendants and Plaintiff stipulate to a six-month stay of the litigation to facilitate
11 government-to-government consultation between Defendants and the Tribe concerning the Navy
12 Water and related matters at issue, with the hope of exploring a path to resolving the litigation
13 through this consultation and other discussions.

14 4. Given the complexity of the issues and extensive background underlying this
15 case, Defendants will need time to prepare for and engage in that consultation to make the
16 discussions most effective.

17 5. “The District Court has broad discretion to stay proceedings as an incident to its
18 power to control its own docket.” *Flores v. Merck & Co.*, No. 321CV00166ARTCLB, 2022 WL
19 4281427, at *1 (D. Nev. June 13, 2022) (quoting *Clinton v. Jones*, 520 U.S. 681, 706–07 (1997)).

20 6. It would be in the interests of judicial economy to grant the requested stay to
21 allow the parties to attempt to resolve this litigation without judicial involvement.

22 7. If the requested stay is granted, the parties will file a joint status report six
23 months from the date of the order granting the stay advising the Court of the status of their
24 negotiations and future proceedings, including the deadline for answering the complaint.

25 WHEREFORE, the parties jointly stipulate and move the Court to order the stay of this
26 case for a period of six months, at the conclusion of which the parties shall file a joint status report
27 advising the Court of the status of their negotiations and future proceedings.
28

1 Dated: September 12, 2023.

2
3 TODD KIM
4 Assistant Attorney General
5 U.S. Department of Justice
6 Environment & Natural Resources Division

KEMP JONES, LLP

7 /s/ Thomas K. Snodgrass
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Attorneys for Defendants

22 IT IS SO ORDERED:

23 
24 Anne R. Traum
25 United States District Court Judge

26 DATED: September 13, 2023.